

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NEW YORK

Chapter 11

-----X Case No.: 15-74907-las
In Re:

BLACK REALTY INC.

Debtor

-----X

NOTICE OF ENTRY

PLEASE TAKE NOTICE that the annexed document is a true copy of an ORDER that was entered by the United States Bankruptcy Court on November 24, 2015.

Dated: Carle Place, New York
December 10, 2015

s/Richard S. Feinsilver

Richard S. Feinsilver, Esq.
One Old Country Road, Ste 125
Carle Place, New York 11514
516-873-6330

NB: DEADLINE FOR THE FILING OF CLAIMS FOR NON-GOVERNMENTAL CREDITORS IS **JANUARY 25, 2016**

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NEW YORK

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In re:

BLACK REALTY INC.

Chapter 11
Case No.: 15-74907-las

Debtor:

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**ORDER (I) ESTABLISHING DEADLINE FOR FILING PROOFS
OF PRE-PETITION CLAIMS AND (II) APPROVING FORM AND MANNER OF
NOTICE**

Upon the motion (the "Motion") of BLACK REALTY, INC. the debtor and debtor-in-possession (the "Debtor"), for an Order, under Federal Rule of Bankruptcy Procedure 3003(c)(3) and Administrative Order No. 556, *Adoption of Bar Date Order Guidelines* for the Eastern District of New York, fixing a deadline and establishing procedures for filing proofs of pre-petition claims, and approving the form and manner of service thereof; and it appearing that the relief requested in the Debtor's Motion is in the best interests of the Debtor, its estate and creditors, and that no further notice is necessary; and after due deliberation and good and sufficient cause appearing therefore, it is hereby

ORDERED, that except as otherwise provided herein, all persons and entities (including, without limitation, individuals, partnerships, corporations, joint ventures, trusts and governmental units) that can assert against the Debtor a pre-petition claim, as defined in 11 U.S.C. §101(5), arising prior to November 15, 2015, shall file a proof of such claim in

writing, so that is actually received on or before **January 8, 2016 at 4:00 p.m.** (the “Bar Date”) by the United States Bankruptcy Court for the Eastern District of New York, 290 Federal Plaza, Central Islip, New York 11722, with a copy to Debtor’s counsel; and it is further

ORDERED, notwithstanding any other provision hereof, Proofs of Claim filed by governmental units must be filed on or before **May 10, 2016 at 4:00pm**; and it is further

ORDERED, that the following procedures for filing proofs of pre-petition claims (hereinafter, collectively referred to as “Proof of Claim”) apply:

- (a) Proofs of Claim must conform substantially to Official Bankruptcy Form No. 10;
- (b) Proofs of Claim must be filed either by (I) mailing the original Proof of Claim to the Bankruptcy Court at the address contained in the previous paragraph by regular or overnight delivery; or (ii) hand delivery to the Clerk’s Office at the Bankruptcy Court at the address contained in the previous paragraph, or (iii) by electronically filing the Proof of Claim in the Court’s Electronic Case Filing System¹;
- (c) Proofs of claim will be deemed timely filed only when received by the Bankruptcy Court on or before the Bar Date, and
- (d) Proofs of claim must: (I) be signed, (ii) include supporting documentation (if voluminous attach a summary) or an explanation as to why documentation is not available, (iii) be in the English language, and (iv) be denominated in United States currency;

and it is further

ORDERED, that the following persons or entities need not file a proof of claim

¹ Pursuant to Administrative Order No. 512, a creditor (limited user) can obtain a Limited Access Password from the United States Bankruptcy Court to access the Electronic Case Filing System and be permitted to file proofs of claim. The United States Bankruptcy Court, Eastern District of New York Electronic Case Filing System Limited Access Password Application is available at http://www.nyeb.uscourts.gov/ecf_claim_cr_info.html.

on or before the Bar Date:

- (a) any person or entity that has already filed a proof of claim against the Debtor with the Clerk of the Bankruptcy Court for the Eastern District of New York in a form substantially similar to Official Bankruptcy Form No. 10;
- (b) any person or entity whose claim is listed on the Debtor's Schedules provided that
(I) the claim is not scheduled as disputed "disputed," "contingent," or "unliquidated," and (ii) the claimant agrees with the amount, nature, and priority of the claim as listed in the Debtor's Schedules;
- (c) any holder of a claim that has been allowed by Order of this Court;
- (d) any person or entity whose claim has been paid in full by the Debtor;
- (e) any holder of a claim for which specific deadlines have previously been fixed by this Court, or
- (f) any holder of a claim by the Debtor's retained professionals allowable under Bankruptcy Code §§503(b), 507(a) and 1103 as an expense of administration;

and it is further

ORDERED, that any person or entity holding a claim arising from the rejection of an executory contract or unexpired lease, as to which the order authorizing such rejection is dated on or before the date of entry of this Order, must file a proof of claim based in such rejection on or before the Bar Date, and any person or entity that holds a claim that arises from the rejection of an executory contract or unexpired lease, as to which an Order authorizing such rejection is dated after the date of this Order, must file a proof of claim on or before such date as the Court may fix in the applicable Order authorizing such rejection, or in the event such Order does not provide for a deadline to file a rejection damages claims, then within 30 days after entry of the Order rejecting such executory contract or unexpired lease; and it is further

ORDERED, that holders of equity security interests in the Debtor need not file proofs of interest with respect to the ownership of such equity interests, provided, however, that if

any such holder asserts a claim against the Debtor (including a claim relating to an equity interest or the purchase or sale of such equity interest), a proof of such claim must be filed on or before the Bar Date pursuant to the procedures set forth in this Order, and it is further

ORDERED, that if the Debtor amends or supplements its Schedules after the date of this Order, the Debtor shall give notice of any amendment or supplement to the holders of claims affected thereby, and such holders will be afforded 30 days from the date of such notice to file proofs of claim in respect of their claims or be barred from doing so, and will be given notice of such deadline; and it is further

ORDERED, that nothing in this Order shall prejudice the Debtor's right or any other party in interest to dispute or assert offsets or defenses to any filed or scheduled claim; and it is further

ORDERED, that under Federal Rule of Bankruptcy Procedure 3003(c)(2), all holders of claims that fail to comply with this Order by failing to file a proof of claim in appropriate form will not be treated as a creditor with respect to such claim for the purposes of voting and distribution; and it is further

ORDERED, that a copy of the Notice (substantially in the form that is attached to the Debtor's Motion) [Dkt. No. 5] is approved and is sufficient if served by first-class mail **no later than 5 business days** after the entry of this Order on:

- (a) The Office of The United States Trustee for the Eastern District of New York;
- (b) professionals retained by the Debtor;
- (c) all persons or entities having filed a notice of appearance in this case;
- (d) all persons or entities that have previously filed claims in this case;
- (e) all known creditors, of the Debtor, including, but not limited to, all creditors listed in the Debtor's bankruptcy schedules;

- (f) all parties to the Debtor's executory contracts and unexpired leases;
- (g) all parties to litigation with the Debtor, and their respective counsel, if known;
- (h) all taxing authorities to which the Debtor did or does pay or turn over incurred or collected taxes, including the Internal Revenue Service;
- (i) the United States Attorney for the Eastern District of New York, and
- (j) such additional persons and entities as deemed appropriate by the

Debtor; and it is further

ORDERED, that any persons or entity who relies on the Debtor's Schedules is responsible for determining that the claim is accurately listed on the Schedules; and it is further

ORDERED, that the Debtor is authorized and empowered to take such steps and perform such acts that are necessary to implement the terms of this Order; and it is further

ORDERED, that entry of this Order is without prejudice to the Debtor's right to seek a further Order of this Court fixing a date by which holders or claims or interests not subject to the Bar Date established herein must file such proof of claims or interest or be forever barred from doing so.

Dated: November 24, 2015
Central Islip, New York



Louis A. Scarcella
Louis A. Scarcella
United States Bankruptcy Judge

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NEW YORK

-----X
In re:

BLACK REALTY INC.

Chapter 11
Case No.: 15-74907-las

Debtor.

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NOTICE OF DEADLINE FOR FILING PROOFS OF PRE-PETITION CLAIMS

TO: PERSONS AND ENTITIES WITH CLAIMS AGAINST BLACK REALTY INC.

The United States Bankruptcy Court for the Eastern District of New York has entered an Order establishing **January 8, 2016 at 4:00 p.m. (Eastern Standard Time)** (the “Bar Date”) as the last date for each person or entity (including individuals, partnerships, corporations, joint ventures, trusts and governmental units) to file a pre-petition proof of claim (hereinafter, collectively referred to as “claim”) against BLACK REALTY, INC. (the “Debtor”); and establishing **May 10, 2016 at 4:00 p.m. (Eastern Standard Time)** as the deadline for governmental units (as defined in Bankruptcy Code § 101(27)) to file claims against the Debtor.

The Debtor filed its bankruptcy case on November 15, 2015 (the “Filing Date”).

The Bar Date and the procedures set forth below for filing proofs of claim, apply to all claims against the Debtor that arose prior to the Filing Date, the date the Debtor filed for relief under chapter 11 of title of the United States Code (the “Bankruptcy Code”), except for those claim holders listed in Section 4 below that are specifically excluded from the Bar Date filing requirement.

1. WHO MUST FILE A PROOF OF CLAIM

Under Bankruptcy Code § 101(5) and as used in this Notice, the word “claim” means: (1) a right to payment, whether or not such right is reduced to judgment, liquidated, unliquidated,

fixed, contingent, matured, unmatured, disputed, undisputed, legal, equitable, secured, or unsecured; or (ii) a right to an equitable remedy for breach of performance if such breach gives rise to a right to payment, whether or not such right to an equitable remedy is reduced to judgment, fixed, contingent, matured, unmatured, disputed, undisputed, secured or unsecured/.

You **MUST** file a proof of claim to vote on a chapter 11 plan or to share in distributions from the Debtor's bankruptcy estate if you have a claim that arose before November 15, 2015 and it is not a claim described in Section 4 below. Claims used on the Debtor's acts or omissions that occurred prior to November 15, 2015 must be filed on or prior to the Bar Date, even if such claims are not now fixed, liquidated or certain or did not mature or become fixed, liquidated or certain before November 15, 2015.

2. WHAT TO FILE

Your filed proof of claim must conform substantially to Official Form No. 10. A Proof of Claim Form accompanies this Notice. Additionally, a generic proof of claim form may be downloaded at www.uscourts.gov/forms/bankruptcy-forms

You must sign the proof of claim form. If you are filing a claim that is not for an individual, it must be signed by the claimant's authorized agent. The proof of claim must also be written in English and denominated in the United States currency. You must attach to your completed proof of claim any documents on which the claim is based (if voluminous, attach a summary) or an explanation as to why the documents are not available.

3. WHEN AND WHERE TO FILE

When to File Expect as provided for herein, all proofs of pre-petition claims must be filed so as to be received on or before **January 8, 2016 at 4:00 p.m.** (the "Bar Date"). Governmental Units may have until **May 10, 2015 at 4:00 p.m.** to file their claims.

Where to File:

- By Regular, Overnight or Hand Delivery/ United States Bankruptcy Court, 290 Federal Plaza, Central Islip, New York 11722 attention: Clerk's Office;
- By Electronic Filing: Electronic filing is available only if you have an Electronic Case Filing System Password.¹

Proofs of claim will be deemed timely filed only when received by the United States Bankruptcy Court Eastern District of New York, on or before the Bar Date. Proofs of claim may not be delivered by facsimile, telecopy, or electronic mail transmission.

4. WHO NEED NOT FILE A PROOF OF CLAIM

You do **not** need to file a proof of claim on or before the Bar Date if you are:

- (a) a person or entity that has already filed a proof of claim against the Debtor with the Clerk of the Bankruptcy Court for the Eastern District of New York in a form substantially similar to Official Bankruptcy Form No. 10;
- (b) a person or entity whose claim is listed on the Schedules if (i) the claim is not scheduled as "disputed," "contingent," or "unliquidated", and (ii) you agree with the amount, nature and priority of the claim as set forth in the Schedules.
- (c) a holder of a claim that has previously been allowed by order of this Court;
- (d) a holder of a claim that has been paid in full by the Debtor;
- (e) a holder of a claim for which a specific deadline has previously been fixed by this Court.
- (f) any holder of a claim by professionals retained by the Debtor.

If you are a holder of an equity interest in the Debtor, you need not file a proof of interest

¹Pursuant to Administrative Order No. 512, a creditor (limited user) can obtain a Limited Access Password from the United States Bankruptcy Court to access the Electronic Case Filing System and be permitted to file proofs of claim. The United States Bankruptcy Court, Eastern District of New York Electronic Case Filing System Limited Access Password Application is available at http://www.nyeb.uscourts.gov/ecf_claim_cr_info.html

with respect to the ownership of such equity interest at this time. However, if you assert a claim against the Debtor, including a claim relating to such equity interest or the purchase or sale of such interest, a proof of such claim must be filed on or before the Bar Date pursuant to procedures set forth in this Notice.

This Notice is being sent to many persons and entities that have had some relationship with or have done business with the Debtor but may not have an unpaid claim against the Debtor. **The fact that you have received this Notice does not mean that you have a claim or that the Debtor or the Court believes that you have a claim against the Debtor.**

5. EXECUTORY CONTRACTS AND UNEXPIRED LEASES

Any person or entity that holds a claim arising from the rejection of an executory contract or unexpired lease, as to which the order authorizing such rejection is dated after the date of entry of the Bar Order, must file a proof of claim with respect to such claim by the date fixed by the Court in the applicable order authorizing rejection of such contract or lease, or if such order does not fix a date, then in no event later than 30 days after entry of the order authorizing rejection.

**6. CONSEQUENCES FOR FAILING TO TIMELY
FILE A PROOF OF CLAIM BY THE BAR DATE**

ANY HOLDER OF A CLAIM THAT IS NOT EXCEPTED FROM THE REQUIREMENTS OF THE BAR ORDER, AS SET FORTH IN SECTION 4 ABOVE, AND THAT FAILS TO TIMELY FILE A PROOF OF CLAIM IN THE APPROPRIATE FORM, WILL BE BARRED FROM:

- ASSERTING SUCH CLAIM AGAINST THE DEBTOR AND ITS CHAPTER 11 ESTATE
- VOTING ON ANY PLAN OF REORGANIZATION FILED IN THIS CASE;

- PARTICIPATING IN ANY DISTRIBUTION IN THE DEBTOR'S CASE ON ACCOUNT OF SUCH CLAIM.

7. THE DEBTOR'S SCHEDULES AND ACCESS THERETO

You may be listed as the holder of a claim against the Debtor in its Schedules of Assets and Liabilities and/or Schedules of Executory Contracts and Unexpired Leases (collectively, the "Debtor's Schedules").

It is your responsibility to determine that your claim is accurately listed in the Debtor's Schedules. As set forth above, if you agree with the nature, amount and status of your claim as listed in the Debtor's Schedules and if you do not dispute that your claim is only against the Debtor, as specified by the Debtor, and if your claim is not described as "disputed," "contingent," or "unliquidated," you need not file a proof of claim. Otherwise, or if you decide to file a proof of claim, you must do so on or before the Bar Date in accordance with the procedures set forth in this Notice.

Copies of the Debtor's Schedules are available for inspection on the Court's Internet Website at <http://www.nyeb.uscourts.gov>. A login and password to the Court's Public Access to Electronic Court Records ("PACER") are required to access this information and can be obtained through the PACER Service Center at <http://www.pacer.psc.uscourts.gov>. Copies of the Schedules may also be examined between the hours of 9:00 A.M. and 4:00 P.M., Monday through Friday, at the Bankruptcy Court's Clerk's Office, United States Bankruptcy Court, 290 Federal Plaza, Central Islip, New York 11722. Copies of the Debtor's Schedules may also be obtained by written request to Debtor's counsel at its address listed below.

A holder of a possible claim against the Debtor should consult an attorney regarding any matters not covered by this Notice, such as whether the holder should file a proof of claim.

Dated: November 24, 2015
Central Islip, New York

BY ORDER OF THE COURT

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NEW YORK

-----X
In re

BLACK REALTY, INC

Chapter 11
Case No.: 15-74907

AFFIRMATION OF
SERVICE

DEBTOR

-----X

The undersigned attorney, duly admitted to practice before this Court, affirms the following to be true under the penalties of perjury:

1. That he is the attorney for the Debtor in the instant action.
2. That on the 10th day of December, 2015, your affiant served a true copy of the Notice of Entry upon:

US Trustee, 560 Federal Plaza, Central Islip NY 11722
Annexed list of creditors and other parties in interest to whom service is required

the address(es) designated by said attorney and party for that purpose by depositing a true copy of same to each attorney and party, enclosed in a post paid properly addressed wrapper, in an official depository under the exclusive care and custody of the United States Postal Service within the State of New York.

Dated: December 10, 2015
Carle Place, New York

s/Richard S. Feinsilver

RICHARD S. FEINSILVER

BHI GAS INC
1277 EAST 56TH STREET
BROOKLYN, NY 11234

ELMONT GASOLINE CO., INC
653 HEMPSTEAD TPKE
ELMONT, NY 11003

HELLER BOROWITZ
252 MADISON AVENUE
NY, NY 10017

NASSAU COUNTY ATORNEY
ONE WEST STREET
MINEOLA, NY 11501

NYS DEPT OF LABOR -UE
BOX 4320
BINGHAMTON, NY 13902

NYS DEPT OF TAXATION
BANKRUPTCY UNIT
BLDG 8 ROOM 455
WA HARRIMAN CAMPUS
ALBANY, NY 12227

NYS DEPT OF TAXATION
BOX 5300
ALBANY, NY 12227

OK PETROLEUM DIST CORP
185 ROUTE 109
WEST BABYLON, NY 11704

SILVERMAN ACAMPORA
300 JERIHO QUADRANGLE
JERICHO, NY 11753

SMITH CAROLD LEVY
BOX 49
COMMACK, NY 11725

WORKERS COMPENSATION BD
100 BROADWAY
ALBANY, NY 12241

WORKERS COMPENSATION BD
20 PARK STREET
ALBANY, NY 12207